



A-523-808
Administrative Review
POR: 07/01/2018-06/30/2019
Public Document
E&C/OIV: DP

September 23, 2020

MEMORANDUM TO: Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Results of
Antidumping Duty Administrative Review: Certain Steel Nails
From the Sultanate of Oman; 2018-2019

I. SUMMARY

The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on certain steel nails (steel nails) from the Sultanate of Oman (Oman), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). We preliminarily determine that Oman Fasteners LLC (Oman Fasteners) did not sell subject merchandise at prices below normal value (NV) during the period of review (POR), July 1, 2018 through August 30, 2019. Interested parties are invited to comment on these preliminary results.

II. BACKGROUND

On July 13, 2015, Commerce published the AD order on certain steel nails from Oman (the *Order*) in the *Federal Register*.¹ On July 1, 2019, Commerce notified interested parties of the opportunity to request an administrative review of orders with anniversaries in July 2019.² On July 31, 2019, Mid Continent Steel & Wire, Inc. (the petitioner) submitted a review request for the following seven producers and/or exporters of steel nails from Oman: (1) Al Kiyumi Global LLC (Al Kiyumi); (2) Astrotech Steels Private Ltd. (Astrotech); (3) Geekay Wires Limited (Geekay); (4) Modern Factory For Metal Products (Modern Factory); (5) Oman Fasteners; (6) Trinity Steel Private Limited (Trinity); and (7) WWL India Private Ltd (WWL India).³ Also on

¹ See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 31295 (July 1, 2019).

³ See Petitioner's Letter, "Certain Steel Nails from Oman: Request for Administrative Reviews," dated July 31, 2019 (Petitioner's Review Request).



July 31, 2020, Commerce received a self-request for review from Oman Fasteners.⁴ On September 9, 2019, Commerce initiated a review of the *Order* with respect to each of the seven companies for which a review request was requested.⁵

On September 10, 2019, Commerce posted U.S. Customs and Border Protection (CBP) import data to the record, showing the top exporters/producers of subject merchandise in Oman for the POR, for use in respondent selection.⁶ On September 23, 2019, Oman Fasteners submitted comments requesting Commerce use the CBP data as a basis for respondent selection.⁷

Based on the CBP data, Commerce selected Oman Fasteners as the sole mandatory respondent and issued the initial AD questionnaire on October 4, 2019.⁸ Between November 1, 2019 and June 12, 2020, Oman Fasteners timely submitted responses to the initial AD questionnaire and Commerce's subsequent supplemental questionnaires.⁹ Between November 15, 2019 and April 15, 2020, Commerce received comments from the petitioner regarding Oman Fasteners' questionnaire responses.¹⁰

On December 5, 2019, the petitioner requested that Commerce extend the deadline to withdraw review requests by 30 days.¹¹ However, Commerce denied the request.¹² The petitioner did not withdraw its request, and we continued the administrative review of each of the seven companies requested by the petitioners.¹³

Because Oman Fasteners reported that it does not have a viable home or third country market for

⁴ See Oman Fasteners' Letter, "Certain Steel Nails from Oman; Fourth Review; Oman Fasteners' Request for Review," dated July 31, 2019.

⁵ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 47242 (September 9, 2019) (Initiation Notice).

⁶ See Memorandum, "Release of Customs and Border Protection Data," dated September 10, 2019.

⁷ See Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Comments on CBP Data for Purposes of Respondent Selection," dated September 23, 2019.

⁸ See Commerce's Letter dated October 4, 2019.

⁹ See Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Section A Response," dated November 1, 2019 (OF's Section A Response); see also Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Section C Response," dated November 22, 2019 (OF's Section C Response); Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Section D Response," dated December 2, 2019 (OF's Section D Response); Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Supplemental Sections A and C Response," dated February 4, 2020; Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Supplemental Sections D Response," dated April 9, 2020 (OF's Section D Supplemental Response); and Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review 2nd Supplemental Sections A, C, D Response," dated June 12, 2020.

¹⁰ See Petitioner's Letter, "Certain Steel Nails from Oman: Comments on Oman Fasteners LLC's Section A Questionnaire Response," dated November 15, 2019; see also Petitioner's Letter, "Certain Steel Nails from Oman: Comments on Oman Fasteners LLC's Sections C and D Questionnaire Response," dated December 16, 2019; Petitioner's Letter, "Certain Steel Nails from Oman: Comments on Oman Fasteners LLC's Supplemental Sections A and C Questionnaire Response," dated February 14, 2020; and Petitioner's Letter, "Certain Steel Nails from Oman: Comments on Oman Fasteners LLC's Supplemental Section D Response," dated April 15, 2020.

¹¹ See Petitioner's Letter, "Certain Steel Nails from Oman: Request to Extend the Deadline to Withdraw Review Request," dated December 5, 2019.

¹² See Commerce's Letter, "Antidumping Administrative Review of Certain Nails from Oman – Request for an Extension of Time to Withdraw Review Request," dated December 6, 2019.

¹³ See Petitioner's Review Request.

sales of the merchandise under consideration,¹⁴ Commerce was unable to calculate constructed value (CV) profit and selling expenses using the preferred method under section 772(e)(2)(A) of the Act (*i.e.*, based on the respondent's own home market or third country sales made in the ordinary course of trade). Accordingly, on January 8, 2020, Commerce provided all interested parties the opportunity to comment and submit new factual information on CV profit and selling expenses.¹⁵ On January 31, 2020, Oman Fasteners and the petitioner submitted CV profit and selling information to the record,¹⁶ and on February 14, 2020, Oman Fasteners and the petitioner each submitted rebuttal comments.¹⁷

On March 5, 2020, Oman Fasteners requested that Commerce reject the petitioner's February 14, 2020 rebuttal comments. Oman Fasteners alleged that the petitioner's submission did not comport with administrative protective order (APO) bracketing requirements for business proprietary information (BPI).¹⁸ On March 6, 2020, the petitioner submitted an explanation regarding its bracketing of the BPI in question and asked that Commerce deny Oman Fasteners' request for rejection.¹⁹ Based on our analysis of the petitioner's February 14, 2020 rebuttal comments, we find that the petitioner appropriately bracketed the information in question.²⁰

On March 18, 2020, Commerce extended the due date for issuing the preliminary results of this review by 65 days, until June 5, 2020.²¹ On April 24, 2020, and July 21, 2020, Commerce tolled the deadlines for administrative reviews by an additional 50 and 60 days, respectively.²² The current deadline to issue the preliminary results of this review is September 23, 2020.

III. SCOPE OF THE ORDER

The merchandise covered by this order is certain steel nails having a nominal shaft length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round

¹⁴ See "Normal Value" section; *see also* OF's Section A Response at 2 and Exhibit A-1.

¹⁵ See Commerce's Letter, "Antidumping Duty Review of the Antidumping Duty Order on Certain Steel Nails from Oman; 2018-2019: Request for Constructed Value Profit and Selling Expense Comments and Information," dated January 8, 2020.

¹⁶ See Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Constructed Value Profit and Indirect Selling Expenses," dated January 31, 2020 (OF's CV Submission); *see also* Petitioner's Letter, "Certain Steel Nails from Oman; 2018-2019: Submission of Factual Information Related to Constructed Value Profit and Selling Expenses," dated January 31, 2020 (Petitioner's CV Submission).

¹⁷ See Petitioner's Letter, "Certain Steel Nails from Oman; 2018-2019: Submission of Rebuttal Factual Information Related to Constructed Value Profit and Selling Expenses," dated February 14, 2020 (Petitioner's February 14, 2020 Rebuttal Comments); *see also* Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Constructed Value Profit and Indirect Selling Expenses Rebuttal," dated February 14, 2020 (OF's CV Rebuttal).

¹⁸ See Oman Fasteners' Letter, "Certain Steel Nails from Oman; 4th Administrative Review Request to Reject Petitioner's CV Profit Rebuttal Submission," dated March 5, 2020 (OF's Request for Rejection).

¹⁹ See Petitioner's Letter, "Certain Steel Nails from Oman: Response to Request to Reject Petitioner's CV Profit Rebuttal Submission," dated March 6, 2020 (Petitioner's BPI Explanation).

²⁰ See Petitioner's February 14, 2020 Rebuttal Comments; *see also* OF's Request for Rejection; and Petitioner's BPI Explanation.

²¹ See Memorandum, "Certain Steel Nails from the Sultanate of Oman: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated March 18, 2020.

²² See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19," dated April 24, 2020; *see also* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

wire and nails that are cut from flat-rolled steel. Certain steel nails may be of one piece construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted. Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope of this order are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft length of one inch or less that are (a) a component of an unassembled article, (b) the total number of nails is sixty (60) or less, and (c) the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (e.g., furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this order are steel nails that meet the specifications of Type I, Style 20 nails as identified in Tables 29 through 33 of ASTM Standard F1667 (2013 revision).

Also excluded from the scope of this order are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.20.00 and 7317.00.30.00.

Also excluded from the scope of this order are nails having a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5

percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools.

Also excluded from the scope of this order are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this order are thumb tacks, which are currently classified under HTSUS subheading 7317.00.10.00.

Certain steel nails subject to this order are currently classified under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to these orders also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

IV. COMPANIES NOT SELECTED FOR INDIVIDUAL EXAMINATION

Commerce received review requests with respect to seven producers and/or exporters of steel nails during the POR: (1) Al Kiyumi; (2) Astrotech; (3) Geekay; (4) Modern Factory; (5) Oman Fasteners; (6) Trinity; and (7) WWL India.²³ Oman Fasteners was selected as a mandatory respondent; and Astrotech, Geekay, and Trinity each certified no shipments during the POR.²⁴ Accordingly, as explained below, we are preliminarily assigning the three remaining non-examined companies subject to this review – (1) Al Kiyumi; (2) Modern Factory; and (3) WWL India – the only rate calculated in this proceeding: Oman Fasteners’ preliminary weighted-average dumping margin of zero percent.

The statute and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or de minimis margins, and any margins determined entirely on the basis of facts available.”

In this review, we have preliminarily calculated a *de minimis* weighted-average dumping margin for Oman Fasteners. Accordingly, Commerce has preliminarily assigned each of the non-

²³ See Petitioner’s Letter, “Certain Steel Nails from Oman: Request for Administrative Reviews,” dated July 31, 2019.

²⁴ See “Preliminary Determination of No Shipments” section.

examined companies a margin of zero percent.²⁵

V. PRELIMINARY DETERMINATION OF NO SHIPMENTS

Three companies filed timely statements reporting that they made no shipments of subject merchandise to the United States during the POR: (1) Astrotech; (2) Geekay; and (3) Trinity.²⁶ On July 9, 2020, Commerce issued a no-shipment inquiry to CBP requesting that it review these no-shipment claims. CBP confirmed the no-shipment claims for each of the three companies.²⁷ Based on the certifications submitted by these companies and our analysis of CBP information, we preliminarily determine that these three companies had no shipments during the POR. Because these companies certified that they made no shipments of subject merchandise from Oman to the United States during the POR, and the information from CBP does not contradict their claims, we preliminarily determine that these companies did not have any reviewable transactions during the POR. Consistent with Commerce's practice, we will not rescind the review, but, rather, will complete the review and issue instructions to CBP based on the final results.²⁸

VI. DISCUSSION OF THE METHODOLOGY

Normal Value Comparisons

Pursuant to section 773(a) of the Act and 19 CFR 351.414(c)(1) and (d), in order to determine whether Oman Fasteners' sales of the subject merchandise from Oman to the United States were made at less than NV, Commerce compared the export price (EP) to the NV as described in the "Export Price" and "Normal Value" sections of this memorandum.

A. Determination of the Comparison Method

Pursuant to 19 CFR 351.414(c)(1), Commerce calculates weighted-average dumping margins by comparing weighted-average NVs to weighted-average EPs (*i.e.*, the average-to-average method) unless the Secretary determines that another method is appropriate in a particular situation. In less-than-fair-value investigations, Commerce examines whether to compare weighted-average NVs with the EPs of individual sales (*i.e.*, the average-to-transaction method) as an alternative

²⁵ See *Albemarle Corp. & Subsidiaries v. United States*, 821 F.3d 1345, 1353 (Fed. Cir. 2016); see also *Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018*, 85 FR 57821 (September 16, 2020).

²⁶ See Astrotech's Letter, "Certain Steel Nails from Oman Request for No Shipment during the Period of Review (POR)," dated October 1, 2019; see also Geekay's Letter, "Certain Steel Nails – Oman Request for No Shipment during the Period of Review (POR)," dated October 3, 2019; and Trinity's Letter, "Certain Steel Nails – Oman Notice of No Sales during the Period of Review (POR)," dated October 4, 2019.

²⁷ See Memorandum, "No Shipment Inquiry With Respect to the Company Below During the Period 07/01/2018 Through 06/30/2019," dated July 14, 2020; see also Memorandum, "No Shipment Inquiry With Respect to the Companies Below During the Period 07/01/2018 through 06/30/2019," dated September 3, 2020.

²⁸ See, e.g., *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013*, 79 FR 51306, 51307 (August 28, 2014).

comparison method using an analysis consistent with section 777A(d)(1)(B) of the Act. Although section 777A(d)(1)(B) of the Act does not strictly govern Commerce's examination of this question in the context of administrative reviews, Commerce nevertheless finds that the issue arising under 19 CFR 351.414(c)(1) in administrative reviews is, in fact, analogous to the issue in less-than-fair-value investigations.²⁹

In recent investigations, Commerce has applied a "differential pricing" analysis for determining whether application of the average-to-transaction method is appropriate in a particular situation pursuant to 19 CFR 351.414(c)(1) and section 777A(d)(1)(B) of the Act.³⁰ Commerce finds that the differential pricing analysis used in recent investigations may be instructive for purposes of examining whether to apply an alternative comparison method in this administrative review. Commerce will continue to develop its approach in this area based on comments received in this and other proceedings, and on Commerce's additional experience with addressing the potential masking of dumping that can occur when Commerce uses the average-to-average method in calculating a respondent's weighted-average dumping margin.

The differential pricing analysis used in these preliminary results examines whether there exists a pattern of EPs for comparable merchandise that differ significantly among purchasers, regions, or time periods. The analysis evaluates all U.S. sales by purchaser, region and time period to determine whether a pattern of prices that differ significantly exists. If such a pattern is found, then the differential pricing analysis evaluates whether such differences can be considered when using the average-to-average method to calculate the weighted-average dumping margin. The analysis incorporates default group definitions for purchasers, regions, time periods, and comparable merchandise. Purchasers are based on the consolidated customer codes reported by the respondent. Regions are defined using the reported destination code (*i.e.*, zip code) and are grouped into regions based upon standard definitions published by the U.S. Census Bureau. Time periods are defined by the quarter within the POR based upon the U.S. date of sale. For purposes of analyzing sales transactions by purchaser, region and time period, comparable merchandise is defined using the product control number and all characteristics of the U.S. sales, other than purchaser, region and time period, that Commerce uses in making comparisons between EP and NV for the individual dumping margins.

In the first stage of the differential pricing analysis used here, the "Cohen's *d* test" is applied. The Cohen's *d* coefficient is a generally recognized statistical measure of the extent of the difference between the mean (*i.e.*, weighted-average price) of a test group and the mean (*i.e.*, weighted-average price) of a comparison group. First, for comparable merchandise, the Cohen's *d* coefficient is calculated when the test and comparison groups of data for a particular purchaser,

²⁹ See *Ball Bearings and Parts Thereof from France, Germany, and Italy: Final Results of Antidumping Duty Administrative Reviews; 2010–2011*, 77 FR 73415 (December 10, 2012), and accompanying Issues and Decision Memorandum (IDM) at Comment 1; see also *JBF RAK LLC v. United States*, 790 F.3d 1358, 1363–65 (Fed. Cir. 2015) ("the fact that the statute is silent with regard to administrative reviews does not preclude Commerce from filling gaps in the statute to properly calculate and assign antidumping duties") (citations omitted).

³⁰ See, e.g., *Xanthan Gum from the People's Republic of China: Final Determination of Sales at Less Than Fair*, 78 FR 33351 (June 4, 2013); *Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 79 FR 54967 (September 15, 2014); *Welded Line Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 80 FR 61362 (October 13, 2015).

region or time period each have at least two observations, and when the sales quantity for the comparison group accounts for at least five percent of the total sales quantity of the comparable merchandise. Then, the Cohen's *d* coefficient is used to evaluate the extent to which the prices to the particular purchaser, region or time period differ significantly from the prices of all other sales of comparable merchandise. The extent of these differences can be quantified by one of three fixed thresholds defined by the Cohen's *d* test: small, medium or large (0.2, 0.5 and 0.8, respectively). Of these thresholds, the large threshold provides the strongest indication that there is a significant difference between the mean of the test and comparison groups, while the small threshold provides the weakest indication that such a difference exists. For this analysis, the difference is considered significant, and the sales in the test group are found to pass the Cohen's *d* test, if the calculated Cohen's *d* coefficient is equal to or exceeds the large (*i.e.*, 0.8) threshold.

Next, the "ratio test" assesses the extent of the significant price differences for all sales as measured by the Cohen's *d* test. If the value of sales to purchasers, regions, and time periods that pass the Cohen's *d* test account for 66 percent or more of the value of total sales, then the identified pattern of prices that differ significantly supports the consideration of the application of the average-to-transaction method to all sales as an alternative to the average-to-average method. If the value of sales to purchasers, regions, and time periods that pass the Cohen's *d* test accounts for more than 33 percent and less than 66 percent of the value of total sales, then the results support consideration of the application of an average-to-transaction method to those sales identified as passing the Cohen's *d* test as an alternative to the average-to-average method, and application of the average-to-average method to those sales identified as not passing the Cohen's *d* test. If 33 percent or less of the value of total sales passes the Cohen's *d* test, then the results of the Cohen's *d* test do not support consideration of an alternative to the average-to-average method.

If both tests in the first stage (*i.e.*, the Cohen's *d* test and the ratio test) demonstrate the existence of a pattern of prices that differ significantly such that an alternative comparison method should be considered, then in the second stage of the differential pricing analysis, Commerce examines whether using only the average-to-average method can appropriately account for such differences. In considering this question, Commerce tests whether using an alternative comparison method, based on the results of the Cohen's *d* and ratio tests described above, yields a meaningful difference in the weighted-average dumping margin as compared to that resulting from the use of the average-to-average method only. If the difference between the two calculations is meaningful, then this demonstrates that the average-to-average method cannot account for differences such as those observed in this analysis, and, therefore, an alternative comparison method would be appropriate. A difference in the weighted-average dumping margins is considered meaningful if (1) there is a 25 percent relative change in the weighted-average dumping margins between the average-to-average method and the appropriate alternative method where both rates are above the *de minimis* threshold, or (2) the resulting weighted-average dumping margins between the average-to-average method and the appropriate alternative method move across the *de minimis* threshold.

Interested parties may present arguments and justifications in relation to the above-described differential pricing approach used in these preliminary results, including arguments for modifying the group definitions used in this proceeding.

B. Results of the Differential Pricing Analysis

For Oman Fasteners, based on the results of the differential pricing analysis, Commerce preliminarily finds that 40.25 percent of the value of U.S. sales pass the Cohen's *d* test,³¹ and confirms the existence of a pattern of prices that differ significantly among purchasers, regions, or time periods. Further, Commerce preliminarily determines that there is no meaningful difference between the weighted-average dumping margin calculated using the average-to-average method and the weighted-average dumping margin calculated using an alternative comparison method based on applying the average-to-transaction method to those U.S. sales which passed the Cohen's *d* test and the average-to-average method to those sales which did not pass the Cohen's *d* test.³² Thus, for these preliminary results, Commerce is applying the average-to-average method for all U.S. sales to calculate the weighted-average dumping margin for Oman Fasteners.

Date of Sale

Section 351.401(i) of Commerce's regulations states that, in identifying the date of sale of the merchandise under consideration or foreign like product, Commerce normally will use the date of invoice, as recorded in the exporter's or producer's records kept in the ordinary course of business. However, the regulations permit Commerce to use a date other than the date of invoice if it is satisfied that a different date better reflects the date on which the exporter or producer establishes the material terms of sale.³³ Commerce has a long-standing practice of finding that, where shipment date precedes invoice date, shipment date better reflects the date on which the material terms of sale are established.³⁴

Oman Fasteners reported the invoice date as the date of sale for its U.S. sales.³⁵ Oman Fasteners reported the invoice date because all material terms are set at the time of invoice. Consistent with our practice, Commerce has preliminarily determined to use the invoice date as the date of sale.

Export Price

Section 772(a) of the Act defines EP as "the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of subject merchandise

³¹ For details on Commerce's preliminary calculations, see Memorandum, "Analysis Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Steel Nails from the Sultanate of Oman: Oman Fasteners, LLC," dated currently with this memorandum at 3 (Preliminary Analysis Memorandum).

³² *Id.*

³³ See 19 CFR 351.401(i); see also *Allied Tube & Conduit Corp. v. United States*, 132 F. Supp. 2d 1087, 1090 (CIT 2001) (citing 19 CFR 351.401(i)).

³⁴ See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from Thailand*, 69 FR 76918 (December 23, 2004), and accompanying IDM at Comment 10; see also *Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from Germany*, 67 FR 35497 (May 20, 2002), and accompanying IDM at Comment 2.

³⁵ See OF's Section C Response at 2, 12-13.

outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States, as adjusted under subsection (c).” In accordance with section 772(a) of the Act, we used the EP methodology for Oman Fasteners because the merchandise under consideration was sold directly to the first unaffiliated purchaser in the United States before the date of importation by the producer or exporter of the merchandise under consideration outside the United States.³⁶

We based EP on packed prices to the first unaffiliated customer for all sales destined for the United States. We based the starting price on the prices to unaffiliated purchasers in, or for exportation to, the United States. We made deductions from the starting price for movement expenses, where appropriate, in accordance with section 772(c)(2)(A) of the Act.³⁷

Normal Value

A. Comparison Market Viability

Section 773(a)(1) of the Act directs that NV be based on the price at which the foreign like product is sold in the comparison market, provided that the merchandise is sold in sufficient quantities (or value, if quantity is inappropriate) and that there is no particular market situation that prevents a proper comparison with the export price. Section 773(a)(1)(C) of the Act contemplates that quantities (or values) will normally be considered insufficient if they are less than five percent of the aggregate quantity (or value) of sales of the subject merchandise to the United States.

In order to determine whether there was a sufficient volume of sales in the home market or in the third country to serve as a viable basis for calculating NV, we separately compared Oman Fasteners’ volume of home-market and third-country sales of the foreign like product to the respective volume of U.S. sales of the subject merchandise in accordance with sections 773(a)(1)(B) and (C) of the Act. Oman Fasteners’ aggregate volumes of sales of foreign like product in the home market or in third-country markets were not greater than five percent of the company’s sales of subject merchandise to the United States.³⁸ Therefore, Oman Fasteners’ sales in the home market and in its third-country markets are not viable as comparison markets. Consequently, we based NV on CV for Oman Fasteners.

B. Calculation of Normal Value Based on CV

In accordance with section 773(a)(4) of the Act, we used CV as the basis for NV because Oman Fasteners did not have a viable comparison market. We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials and fabrication, general and administrative (G&A) expenses, indirect selling expenses, and profit in the calculation of CV. We relied on Oman Fasteners’ submitted materials and fabrication costs, G&A, indirect selling expenses, and U.S. packing costs. Based on our examination of the record evidence, Oman Fasteners did not appear to experience significant changes in the cost of manufacturing during

³⁶ *Id.* at 1.

³⁷ For further discussion, *see* Preliminary Analysis Memorandum.

³⁸ *See* OF’s Section A Response at 2 and Exhibit A-1.

the POR. Therefore, we followed our normal methodology of calculating an annual weighted-average cost.

Because Oman Fasteners does not have a viable home or third-country market, we are unable to calculate a CV profit ratio using the preferred method under section 773(e)(2)(A) of the Act, *i.e.*, based on the respondent's own home-market or third-country sales made in the ordinary course of trade. When the preferred method is unavailable, we must instead rely on one of the three alternatives outlined in sections 773(e)(2)(B)(i) through (iii) of the Act. Those alternatives are: (i) the use of the actual amounts incurred and realized by the specific exporter or producer in connection with the production and sale of merchandise that is in the same general category of products as the subject merchandise; (ii) the use of the weighted average of the actual amounts incurred and realized by exporters or producers (other than the respondent) that are subject to the investigation or review; or (iii) based on any other reasonable method, except that the amount for profit may not exceed the amount realized by exporters or producers (other than the respondent) in connection with the sale, for consumption in the foreign country, of merchandise that is in the same general category of products as the subject merchandise (*i.e.*, the "profit cap").

Because Oman Fasteners only manufactures steel nails and did not sell any non-subject comparable merchandise in the home market during the POR, we are unable to calculate profit under section 773(e)(2)(B)(i) of the Act, *i.e.*, based on sales of the same general category of product. Further, as Oman Fasteners is the only respondent in this review for which there will be a calculated margin, we are unable to calculate profit under section 773(e)(2)(B)(ii) of the Act, *i.e.*, based on the preferred method of averaging the profit ratios of the other exporters or producers being examined. Thus, we must calculate profit under section 773(e)(2)(B)(iii) of the Act, *i.e.*, any other reasonable method.

We have considered eleven possible options for CV profit under section 773(e)(2)(B)(iii) of the Act based on the information placed on the record of this administrative review: (1) the 2018 audited financial statements of Larsen & Toubro (Oman) LLC (Larsen and Toubro), an Omani producer of power transmission and distribution infrastructure;³⁹ (2) the 2018 audited financial statements of Al Jazeera Steel Products Co. SAOG (Al Jazeera), an Omani manufacturer of various pipes, hollows sections, and merchant bar mill;⁴⁰ (3) audited financial statements covering April 2018 – March 2019 of Amatei Incorporated (Amatei), a Japanese company involved in the manufacture, packaging, and selling of various nail and screw products;⁴¹ (4) the 2018 audited financial statements of L.S. Industry Co., Ltd. (LSI), a Thai producer of steel nails, metal chains, and metal wire;⁴² (5) the 2018 audited financial statements of Bangkok Fastening Co., Ltd. (Bangkok Fastening), a Thai manufacturer and distributor of fasteners, nails, wire rods, and other steel products;⁴³ (6) the 2018 audited financial statements of Sangchai Factory Co., Ltd. (Sangchai), a Thai manufacturer of nails;⁴⁴ (7) audited financial statements covering April 2018 – March 2019 of Geekay Wires Limited (Geekay), an Indian producer of various wire

³⁹ See OF's CV Submission at Exhibit 2.

⁴⁰ *Id.* at Exhibit 3.

⁴¹ *Id.* at Exhibit 4.

⁴² *Id.* at Exhibit 5.

⁴³ *Id.* at Exhibit 6.

⁴⁴ *Id.* at Exhibit 7.

products and nails/fasteners;⁴⁵ (8) the 2018 audited financial statements of Hašpl (Haspl), a Czech manufacturer of nails, particularly common nails, screw nails, convex ring nails, lost head nails, upholstering nails, round head nails, and collated nails;⁴⁶ (9) audited financial statements covering April 2018 – March 2019 of Astrotech Steels Private Limited (Astrotech), an Indian manufacturer of engineered fasteners and concrete accessories to the industrial and construction sectors;⁴⁷ (10) audited financial statements covering July 2018 – June 2019 of Chin Well Fasteners Co. Sdn Bhd (Chin Well), a Malaysian manufacturer of fasteners and other wire-based products for the power, infrastructure, and furniture sectors;⁴⁸ and (11) the 2018 audited financial statement of Grupo Simec, SAB de CV (Simec), a manufacturer of various steel products for construction, commercial, and engineering applications operating across the Americas.⁴⁹

We acknowledge that each of these options has certain limitations. Based on the guidance from the preferred method under section 773(e)(2)(A) of the Act, CV profit is intended to reflect the production and sale of subject merchandise in the foreign country. Therefore, we have analyzed these financial statements pursuant to the framework established in *Pure Magnesium from Israel* and *CTVs from Malaysia*.⁵⁰ Pursuant to that analysis, we have considered: (1) the similarity between a potential surrogate's business operations and products and those of the respondent; (2) the extent to which a potential surrogate has sales in the United States and the home market; (3) the contemporaneity of the surrogate data; and (4) the similarity of customer base between a potential surrogate and the respondent.

First, with respect to each of the Omani companies, in the investigation of this proceeding, we found that Larsen & Toubro (a construction company executing projects in the oil and gas industries), and Al Jazeera (a manufacturer of steel tube and structural products) did not produce or sell merchandise identical or comparable to subject merchandise – steel nails.⁵¹ After reviewing the financial statements of both companies on the record of the instant review, we preliminarily find that each company's business activities have not changed. Accordingly, we preliminarily find that, although Larsen & Toubro and Al Jazeera represent the profit experience of Omani companies, their business operations, production processes, and merchandise are dissimilar to those of Oman Fasteners. We further preliminarily find that, because the two companies provide resources primarily for structural projects, the customer bases of Larsen & Toubro and Al Jazeera are dissimilar to Oman Fasteners' customer base.

Second, with respect to Astrotech, the record reflects that this potential surrogate has sales in the U.S. and its home market (India). Based on third party export data, approximately 83 percent of

⁴⁵ *Id.* at Exhibit 8.

⁴⁶ *Id.* at Exhibit 9.

⁴⁷ See Petitioner's CV Submission at Exhibit 2.

⁴⁸ *Id.* at Exhibit 5.

⁴⁹ *Id.* at Exhibit 9.

⁵⁰ See *Notice of Final Determination of Sales at Less than Fair Value: Pure Magnesium from Israel*, 66 FR 49349 (September 27, 2001) (*Pure Magnesium from Israel*), and accompanying IDM at Comment 8; see also *Notice of Final Determination of Sales at Not Less Than Fair Value: Certain Color Television Receivers from Malaysia*, 69 FR 20592 (April 16, 2004), and accompanying IDM at Comment 26.

⁵¹ See *Certain Steel Nails from the Sultanate of Oman: Final Determination of Sales at Less Than Fair Value*, 80 FR 28972 (May 20, 2015) at Comment 1; see also *Final Results of Redetermination Pursuant to Court Order*, dated May 18, 2017 (issued pursuant to *Mid Continent Steel & Wire, Inc. v. United States*, CIT No. 15-214, Slip Op. 17-05), available at <http://enforcement.trade.gov/remands/index.html>.

Astrotech's revenue for the fiscal period is from sales to the United States.⁵² Financial data containing exclusive or predominant U.S. sales information are unsuitable in the calculation of a normal value based on CV.⁵³ Therefore, we preliminarily find that Astrotech's profit and indirect selling expenses do not reflect the home market or third country sales necessary to construct NV.

Third, based on Amatei's financial statements, Amatei operated at a net income loss during the POR. Amatei's current period net income account only shows positive as a result of extraordinary income in the form of insurance claims during the reporting period.⁵⁴ Therefore, we preliminarily find that Amatei's financial position does not reflect the profitability of the respondent and is, therefore, not appropriate in the calculation of CV for the instant review.

Fourth, with respect to Simec, the record reflects that this company does not manufacture products comparable to those of the respondent. According to Simec's financial statements on the record, Simec manufactures beams, channels, commercial and structural angles, hot rolled bars (round, square, and hexagonal), screeds, rods and bars, round tubular semi-finished and other commercial semi-finished products.⁵⁵ Such products are not comparable merchandise and are used by customers in completely different applications (*e.g.*, large scale infrastructure projects versus the fastening of wood in the building of homes). Therefore, we preliminarily find that Simec's profit and indirect selling ratios, as well as its production processes, business operations, customer bases, and products are dissimilar to those of Oman Fasteners.

We find that the remaining six financial statements—those of LSI, Chin Well, Geekay, Bangkok Fasteners, Haspl, and Sangchai—all indicate production of merchandise comparable to steel nails and, therefore, reflect the production experience of the mandatory respondent more closely than the Omani companies that do not produce comparable merchandise. All six companies produce comparable merchandise, whether it be steel nails or steel fasteners, which, like steel nails, are a type of fastener and have a production process similar to that of nails. Additionally, Oman Fasteners and the six companies sell their products (*i.e.*, nails and fasteners) in similar markets (*i.e.*, for fasteners used to fasten surfaces). As such, the six companies are subject to market conditions very similar to those in which Oman Fasteners operates. We preliminarily find that these similarities in market conditions, including pricing conditions and cost structures, demonstrate that these six financial statements are reasonably similar to the profitability experience of Oman Fasteners during the POR.

Because there are no financial statements of Omani producers of steel nails or any other comparable merchandise on the record, we selected the alternative constructed value profit data source that most closely fulfills the aim of section 773(e)(2)(B)(iii) of the Act. We prioritized the comparability of potential third-country CV data sources to the experiences of an Omani producer of steel nails. While none of the sources on the record of this review perfectly satisfies the statutory preference for both the home market and comparability of merchandise, each of the six remaining financial statements on the record reflects the experience of an Omani producer of

⁵² See OF's CV Rebuttal at 4 and Exhibits CVR-1 and CVR-2.

⁵³ See *Pure Magnesium from Israel* IDM at Comment 8.

⁵⁴ See OF's CV Submission at Exhibit 4B, 61-62.

⁵⁵ See Petitioner's CV Submission at Exhibit 9.

nails. Each of the six potential surrogate companies has similar: (1) business operations, products, and customer bases to those of Oman Fasteners; (2) sales in the United States and their respective home markets; and (3) contemporaneity with the instant POR, as specified in sections 773(e)(2)(A) and (B) of the Act.

We have weighed the above considerations when preliminarily selecting a reasonable source for CV profit data among the available options before us, and we have preliminarily determined to use a simple average of the CV ratios derived from the remaining six financial statements on the record, *i.e.*, LSI, Chin Well, Geekay, Bangkok Fasteners, Haspl, and Sangchai, in accordance with section 773(e)(2)(B)(iii) of the Act.⁵⁶ All six companies are similarly comparable to the experience of Oman Fasteners, and we conclude that, taken together, they best represent the experience of an Omani producer of steel nails. We preliminarily find that a simple average of the profitability experience of the six remaining companies to be the best available option to accurately reflect the experience of an Omani producer of nails on the record.

We have not calculated a profit cap because we are unable to calculate the amount normally realized by exporters or producers (other than the respondent) in connection with the sale, for consumption in the foreign country, of the merchandise in the same general category as steel nails. This is because, as discussed above, we have preliminarily determined that the Omani financial statements from Larsen & Toubro and Al Jazeera on this record are from companies whose business operations, production processes, and products are so dissimilar to those of Oman Fasteners that the Omani companies' products cannot be considered within the same general category of merchandise as steel nails. Accordingly, the record does not contain information for calculating a profit cap.

Pursuant to section 776(a) of the Act, where necessary information is not on the record of a proceeding, Commerce shall use facts otherwise available. Accordingly, we have considered whether information on the record could be useable as a facts-available profit cap. However, our analysis of the financial statements on our record leads us to conclude that, for the reasons discussed above, no financial statements on the record of this proceeding would better fulfill the purpose of the profit cap than the financial statements we have preliminarily determined to use to calculate CV profit under any other reasonable method. Therefore, because there is no other information available on the record, as facts available, we are preliminarily applying option (iii) of section 773(e)(2)(B) of the Act, (any other reasonable method), without quantifying a facts available profit cap.

While Oman Fasteners asserts that Commerce is required by the statute to calculate a profit cap,⁵⁷ we note that the Statement of Administrative Action accompanying the Uruguay Round Agreements Act makes clear that Commerce may calculate CV profit without a profit cap, particularly, as is the case here, where there is no viable domestic market in the exporting country for merchandise that is in the same general category of products as the subject merchandise.⁵⁸ In numerous previous cases, Commerce calculated CV profit under section

⁵⁶ For further discussion, *see* Preliminary Analysis Memorandum at 7-8 and Attachment 3.

⁵⁷ *See* OF's CV Submission at 11.

⁵⁸ *See* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. 103-316, vol. 1 (1994) (SAA).

773(e)(2)(B)(iii) of the Act without quantifying the profit cap, as facts available.⁵⁹ The legislative history indicates that Congress recognized that there may be instances where, due to a lack of data, Commerce would need to use facts available and calculate a CV profit rate pursuant to section (iii) of the Act without quantifying a profit cap.⁶⁰ With respect to this provision of the statute, Congress intended the profit cap to be: (1) based on home market sales information of the same general category of products as the subject merchandise; (2) non-aberrational to the industry under consideration (*i.e.*, “the amount normally realized”); and (3) not based on the data of the respondent for which Commerce is calculating CV.⁶¹ The Court of Appeals for the Federal Circuit has also affirmed our decision to not apply a profit cap in certain circumstances.⁶² Accordingly, we have examined the available data on the record and conclude that there is no information that would meet these standards. As such, we are unable to calculate the profit normally realized by producers other than Oman Fasteners in connection with domestic market sales of merchandise in the same general category as the subject merchandise. Consequently, in accordance with the statute, we have not quantified a profit cap in applying the statutory alternative to determine CV profit for Oman Fasteners.

Finally, with respect to indirect selling expenses, because Oman Fasteners does not have a viable home market or third-country market, Commerce does not have comparison market selling expenses to use in its calculations, as directed by section 773(e) of the Act. As an alternative, to calculate selling expenses, for the preliminary results, Commerce has used the same financial statements that it used to calculate CV profit (*i.e.*, the simple average of the six companies listed above), in accordance with section 773(e)(2)(B)(iii) of the Act.⁶³

Oman Fasteners, in its July 13, 2020 pre-preliminary comments, argued that the CV profit and indirect selling expense ratios submitted by the petitioner included erroneous categorizations of expenses, rendering the ratios incorrect, and urging Commerce to reject them.⁶⁴ However, Oman Fasteners failed to identify any specific example of incorrect categorization in the ratio calculation for Chin Well, the only surrogate financial statement provided by the petitioner which Commerce used in the simple average for these preliminary results. Upon review, we found that the petitioner excluded vehicle depreciation from the total cost of production and categorized it as a direct selling expense.⁶⁵ In previous segments of this proceeding, Commerce has found that vehicle depreciation could include both direct and indirect selling, or overhead,⁶⁶

⁵⁹ See, e.g., *Stainless Steel Plate in Coils from Belgium: Antidumping Duty Administrative Review, 2010-2011*, 77 FR 73013 (December 7, 2012), and accompanying IDM at Comment 3 (*SSPC from Belgium*) at Comment 3; *Certain Lined Paper Products from India: Notice of Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 10876 (February 28, 2011), and accompanying IDM at Comment 3; and *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances Determination: Bottom Mount Combination Refrigerator-Freezers from Mexico*, 77 FR 17422 (March 26, 2012), and accompanying IDM at Comment 26.

⁶⁰ See SAA at 841.

⁶¹ See *SSPC from Belgium* at Comment 3.

⁶² See *Mid Continent Steel & Wire, Inc. v. United States*, 941 F.3d 530, 545-46 (Fed. Cir. 2019).

⁶³ See Preliminary Analysis Memorandum at 6.

⁶⁴ See OF’s Letter, “Certain Steel Nails from Oman; Antidumping Fourth Review: Pre-Preliminary Comments,” dated July 13, 2020 at 18-19.

⁶⁵ See Petitioner’s CV Submission at Exhibit 6.

⁶⁶ See *Certain Steel Nails from the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2014– 2016*, 83 FR 4030 (January 29, 2018), and accompanying IDM at Comment 5.

and because Commerce cannot seek to deconstruct financial statements,⁶⁷ we have included vehicle depreciation in the denominator to ensure that all of Chin Well's costs are captured.⁶⁸

C. Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP.⁶⁹ The LOT for NV is based on the starting prices of sales in the home market or, when NV is based on CV, those of the sales from which we derived selling, general, and administrative expenses and profit.⁷⁰ For EP, the LOT is based on the starting price, which is usually the price from the exporter to the importer.⁷¹

To determine whether NV sales are at a different LOT than EP or CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Because Oman Fasteners has no viable comparison market,⁷² and because we based CV selling expenses on Oman Fasteners' financial statement (which records selling expenses for more than just subject merchandise, and which does not break out selling expenses by level of trade or by merchandise), we have no way of conducting a LOT analysis. Accordingly, we made no LOT adjustment to Oman Fasteners' NV.

D. Cost of Production Analysis

In accordance with section 773(b)(2)(A)(ii) of the Act, Commerce requested CV and cost of production (COP) information from Oman Fasteners to determine if there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that are less than the COP of the product. We examined the cost data and determined that our quarterly cost methodology is not warranted, and therefore, we are applying our standard methodology of using annual costs based on Oman Fasteners' reported data.

Calculation of Cost of Production

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of costs of materials and fabrication for the foreign like product, plus amounts for G&A and interest expenses. We relied on the COP data submitted by Oman Fasteners.

⁶⁷ See *Certain Uncoated Paper from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 81 FR 3112 (January 20, 2016), and accompanying IDM at Comment 19; see also *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 81 FR 23272 (April 20, 2016), and accompanying IDM at Comment 8.

⁶⁸ See Preliminary Analysis Memorandum at Attachment 3.

⁶⁹ See also section 773(a)(7)(A) of the Act.

⁷⁰ See 19 CFR 351.412(c)(1)(iii).

⁷¹ See 19 CFR 351.412(c)(1)(i).

⁷² See OF's Section A Questionnaire Response at 2 and Exhibit A-1.

